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March 28, 2022

**VIA ECF**

The Honorable P. Kevin Castel  
United States District Court  
Southern District of New York  
Daniel Patrick Moynihan United States Courthouse  
500 Pearl Street  
New York, New York 10007

*Application  
provisionally  
GRANTED.*  
*SO ORDERED*  
*[Signature]*  
*VSDJ*  
*9-15-22*

Re: CBF Industria De Gusa, S/A, et al., v. AMCI Holdings, Inc., et al.,  
Case No. 13 -cv-2581 (PKC) (JLC)

Dear Judge Castel:

We write pursuant to Rule 5(B) of Your Honor's Individual Practices to seek leave to file with redactions and/or under seal certain documents submitted in connection with Plaintiffs' reply on their motion for summary judgment/opposition to Defendants' motion for summary judgment, and Plaintiffs' reply on their motion to preclude. Specifically, Plaintiffs seek leave to file redacted versions of:

- Plaintiffs' Memorandum of Law in Opposition to Defendants' Motion for Summary Judgment and Reply in Support of Plaintiffs' Motion for Partial Summary Judgment;
- Plaintiffs' Response to Defendants' Rule 56.1 Statement of Undisputed Material Facts;
- The Declaration of Christopher A. Klimmek dated March 28, 2022 (the "Klimmek Declaration"); and
- Plaintiffs' Reply Memorandum of Law in Further Support of Their Motion to Preclude.




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Plaintiffs further seek leave to file the Exhibits to the Klimmek Declaration identified in the attached Appendix A to this letter under seal.

Pursuant to the Stipulated Protective Order in place in this matter (ECF No. 120), Defendants have designated a number of exhibits and certain testimony upon which Plaintiffs intend to rely in their papers as either “Confidential” or “Restricted Confidential.” In view of Defendants’ designations, paragraph 10 of the Stipulated Protective Order requires Plaintiffs to file such exhibits and testimony under seal. Further, because the above-listed declarations, statements, and memoranda disclose information designated by Defendants as either “Confidential” or “Restricted Confidential,” Plaintiffs seek leave to file those documents in redacted form. Plaintiffs note that the Court previously permitted similar types of documents to be filed under seal on Defendants’ prior application made in connection with this motion. (*See* ECF No. 575.)

We thank the Court for its consideration of this request.

Respectfully submitted,

  
Elizabeth J. Sher



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**APPENDIX A**  
**EXHIBITS SUBJECT TO PENDING MOTION TO SEAL**

Plaintiffs' Exhibit 400	Plaintiffs' Exhibit 381
Plaintiffs' Exhibit 363	Plaintiffs' Exhibit 387
Plaintiffs' Exhibit 71	Plaintiffs' Exhibit 227
Plaintiffs' Exhibit 145	Plaintiffs' Exhibit 468
Plaintiffs' Exhibit 183	Plaintiffs' Exhibit 273
Plaintiffs' Exhibit 375	Plaintiffs' Exhibit 90
Plaintiffs' Exhibit 376	Plaintiffs' Exhibit 334
Plaintiffs' Exhibit 377	Plaintiffs' Exhibit 335
Plaintiffs' Exhibit 299	Plaintiffs' Exhibit 602
Plaintiffs' Exhibit 300	Plaintiffs' Exhibit 611
Plaintiffs' Exhibit 303	Plaintiffs' Exhibit 623
Plaintiffs' Exhibit 378	Plaintiffs' Exhibit 627A
Plaintiffs' Exhibit 379	Plaintiffs' Exhibit 630
Plaintiffs' Exhibit 144	Plaintiffs' Exhibit 631
Plaintiffs' Exhibit 79	Plaintiffs' Exhibit 632
Plaintiffs' Exhibit 369	Plaintiffs' Exhibit 596
Plaintiffs' Exhibit 370	Plaintiffs' Exhibit 694
Plaintiffs' Exhibit 87	Plaintiffs' Exhibit 695
Plaintiffs' Exhibit 320	Plaintiffs' Exhibit 696
Plaintiffs' Exhibit 201	Plaintiffs' Exhibit 697
Plaintiffs' Exhibit 106	Plaintiffs' Exhibit 698
Plaintiffs' Exhibit 411	Plaintiffs' Exhibit 699
Plaintiffs' Exhibit 412	Plaintiffs' Exhibit 700
Plaintiffs' Exhibit 380	Plaintiffs' Exhibit 703
Plaintiffs' Exhibit 360	Plaintiffs' Exhibit 704
Plaintiffs' Exhibit 55	Plaintiffs' Exhibit 705
Plaintiffs' Exhibit 579	Plaintiffs' Exhibit 706
Plaintiffs' Exhibit 57	Plaintiffs' Exhibit 707
Plaintiffs' Exhibit 204	Plaintiffs' Exhibit 708
Plaintiffs' Exhibit 553	Plaintiffs' Exhibit 709
Plaintiffs' Exhibit 272	